

1 SHEPPARD MULLIN RICHTER & HAMPTON LLP  
KENT R. RAYGOR, Cal. Bar No. 117224  
2 kraygor@sheppardmullin.com  
VALERIE E. ALTER, Cal. Bar No. 239905  
3 valter@sheppardmullin.com  
ZACHARY J. GOLDA, Cal. Bar No. 327532  
4 zgolda@sheppardmullin.com  
1901 Avenue of the Stars, Suite 1600  
5 Los Angeles, California 90067-6055  
Telephone: (310) 228-3700  
6 Facsimile: (310) 228-3701

7 Attorneys for Respondents and Defendants  
COUNTY OF LOS ANGELES  
8 DEPARTMENT OF PUBLIC HEALTH,  
MUNTU DAVIS, M.D., and BARBARA  
9 FERRER, PhD

10 UNITED STATES DISTRICT COURT  
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION  
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14 ALLIANCE OF LOS ANGELES  
15 COUNTY PARENTS, an unincorporated  
association

16 Petitioner and Plaintiff,

17 v.

18 COUNTY OF LOS ANGELES  
19 DEPARTMENT OF PUBLIC HEALTH;  
MUNTU DAVIS, in his official capacity  
20 as Health Officer for the County of Los  
Angeles; BARBARA FERRER, in her  
21 official capacity as Director of the County  
of Los Angeles Department of Public  
22 Health; and DOES 1 through 25, inclusive,

23 Respondents and Defendants.  
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Case No. \_\_\_\_\_

**NOTICE OF REMOVAL**

1 TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE CENTRAL  
 2 DISTRICT OF CALIFORNIA, AND TO PETITIONER AND PLAINTIFF AND ITS  
 3 ATTORNEYS OF RECORD:

4 PLEASE TAKE NOTICE that Respondents and Defendants County of Los Angeles  
 5 Department of Public Health, Muntu Davis, M.D., and Barbara Ferrer, PhD (collectively, the  
 6 “**LACDPH Defendants**”) hereby provide notice of the removal to the United States District  
 7 Court for the Central District of California of the following lawsuit, originally filed on July  
 8 26, 2022 in the Superior Court for the County of Los Angeles: *Alliance of Los Angeles*  
 9 *County Parents v. County of Los Angeles Department of Public Health, Muntu Davis,*  
 10 *Barbara Ferrer, et al.*, LASC Case No. 22DTCP02772 (the “**State Court Action**”). The  
 11 following is a short, plain statement of the grounds for removal. See 28 U.S.C. § 1446(a).

12 **A. DESCRIPTION OF THE ACTION.**

13 On July 26, 2022, Petitioner and Plaintiff Alliance of Los Angeles County Parents  
 14 (“**Petitioner**”) filed a *Petition for Writ of Mandate* (“**Petition**”) against the LACDPH  
 15 Defendants in the Los Angeles County Superior Court. The LACDPH Defendants accepted  
 16 service on or about August 15, 2022.

17 The *Petition* asserts six causes of action. The First, Second, and Third Causes of  
 18 Action each seek a writ of mandate pursuant to CAL. CIV. PROC. CODE § 1085 for purported  
 19 “Abuse of Discretion under Health and Safety Code sections 120175 and 101040.” The  
 20 Fourth Cause of Action asserts a purported violation of equal protection under the California  
 21 Constitution. The Fifth Cause of Action asserts a purported declaratory relief claim  
 22 premised on the alleged equal protection violation. The Sixth Cause of Action asserts a  
 23 purported claim under 42 U.S.C. § 1983 for violation of Petitioner’s members’ rights under  
 24 the United States Constitution. The *Petition* thus raises a claim under federal law,  
 25 specifically 42 U.S.C. § 1983 and the United States Constitution. The nature of the action is  
 26 more fully stated in the *Petition*, a copy of which is attached hereto as part of **EXHIBIT A**.  
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1 **B. BASIS FOR REMOVAL (FEDERAL QUESTION).**

2 Under 28 U.S.C. § 1331, the “district courts shall have original jurisdiction of all civil  
3 actions arising under the Constitution, laws, or treaties of the United States.” Here,  
4 Petitioner asserts against the LACDPH Defendants a cause of action for purported violation  
5 of 42 U.S.C. § 1983 premised upon alleged violations of Petitioner’s members’ rights under  
6 the United States Constitution. [*Petition*, ¶¶ 148-156.] Accordingly, this action is properly  
7 removed under 28 U.S.C. §§ 1331, 1367(a), and 1441(a).

8 **C. THE NOTICE OF REMOVAL IS PROCEDURALLY PROPER.**

9 Based on the foregoing, this action is a civil action over which this Court has original  
10 jurisdiction pursuant to 28 U.S.C. § 1331, and is one that may be removed to this Court  
11 pursuant to 28 U.S.C. §§ 1441 and 1446. There is supplemental jurisdiction over  
12 Petitioner’s state law claims under 28 U.S.C. § 1367(c).

13 The filing of this *Notice of Removal* is filed within the time period required under 28  
14 U.S.C. § 1446(b) because it has been filed within thirty (30) days after the *Petition* asserting  
15 a federal question was filed on July 26, 2022, and within 30 days of August 15, 2022, when  
16 the LACDPH Defendants accepted service.

17 In accordance with the requirements of 28 U.S.C. § 1446(a), copies of the *Petition*  
18 and all other papers served on the LACDPH Defendants in the State Court Action as of the  
19 filing of this *Notice of Removal* are attached hereto as **EXHIBIT A**.

20 The LACDPH Defendants will give written notice of the filing of this *Notice of*  
21 *Removal* to all adverse parties as required by 28 U.S.C. § 1446(d) and will file a copy of this  
22 *Notice of Removal* with the Clerk of the Superior Court of California, County of Los  
23 Angeles, as further required by § 1446.

24 Venue is proper in this Court because the action is being removed from the Superior  
25 Court in the County of Los Angeles.

26 There are no other named defendants whose consent would be required for removal.  
27 *See* 28 U.S.C. § 1446.

1 **D. CONCLUSION.**

2 For all of the foregoing reasons, the LACDPH Defendants request that the State  
3 Court Action pending before the Superior Court of the State of California for Los Angeles  
4 County be removed to the United States District Court for the Central District of California  
5 as if originally filed herein.

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7 Dated: August 23, 2022

SHEPPARD MULLIN RICHTER & HAMPTON LLP

8  
9 By

/s/ Kent R. Raygor

KENT R. RAYGOR

10 Attorneys for Respondents and Defendants  
11 COUNTY OF LOS ANGELES, MUNTU DAVIS,  
12 M.D.. and BARBARA FERRER. PhD  
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1 PROOF OF SERVICE

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3 At the time of service, I was over 18 years of age and **not a party to this action**. I  
4 am employed in Orange County, State of California. My business address is 1901 Avenue  
of the Stars, Suite 1600, Los Angeles, CA 90067.

5 On August 23, 2022, I served true copies of the following document(s) described as  
6 **NOTICE OF REMOVAL** on the interested parties in this action as follows:

7 Julie A. Hamill  
8 Hamill Law & Consulting  
904 Silver Spur Road, #287  
Rolling Hills Estates, California 90274

Attorney for Petitioner  
ALLIANCE OF LOS ANGELES  
COUNTY PARENTS

9  
10 **BY HAND DELIVERY:** I caused such envelope(s) to be delivered by hand to the  
office of the addressee(s).

11 I declare under penalty of perjury under the laws of the United States of America  
12 that the foregoing is true and correct and that I am employed in the office of a member of  
the bar of this Court at whose direction the service was made.

13 Executed on August 23, 2022, at Costa Mesa, California.

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15 /s/Hina Siddiqui  
16 Hina Siddiqui  
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